Council on the same day after which they received the approval of His Excellency. The decision was as follows:— 648*

"Firstly, production of the number of men required by the King's African Rifles,* it being understood that only genuine Muran and not Liones will be accepted. Selection of the Muran can be left to the various Sirits themselves subject to approval by the Recruiting and District Officers. This proviso is considered necessary in order that genuine Masai Muran of proper standing may be produced.

"Secondly, full monetary compensation will be exacted for all damage done to property during the looting which recently took place. This damage will be assessed by a specially constituted Board of Investigation. Any rifles looted will have to be returned. Blood money will be exacted for any murders that have been committed.

"Thirdly, in view of the great provocation caused by the unfortunate action by certain of the King's African Rifles in opening fire without orders, no punishment will be imposed for the subsequent attack on the King's African Rifles by the Muran.

"Fourthly, the cattle of any Muran joining up will be immune from commandeering for military purposes, provided that a proper system of identification of the cattle can be arranged to the satisfaction of the District Officers.

"Fifthly, Government proposes to investigate the attitude of the Laibons and Elders of the Masai which may have encouraged the Muran in their rebellious attitude, and will take such steps as it considers necessary for punishing any who are found guilty. This will, however, not entail any further punishment of the Muran themselves."†

## Section 7.—SUSPENSE ACCOUNT.

Contribution from the Kakonyukye—Rents of plots—Collective Fines—Utilisation of Funds—Expenditure controlled—Rents—Collective Fines—Secretary of State's decision—Abstract. 000

In April, 1915, the Masai of the Kakonyukye division contributed a sum of Rs. 10,450 towards the improvement of the water supply in their country. It was stated that further sums might be forthcoming, and the matter was referred to the Secretary of State, who agreed that a Suspense Account should be opened to which these and other contributions made by the Masai for the benefit of their reserve might be placed. Contribution from the Kakonyukye. 648* 652

As has been seen, the reservation to the tribe by the Agreement of 1911 of a definite area within the Protectorate for their exclusive use had rendered it necessary to obtain the consent of the "paramount chief and representatives" of the Masai to the alienation of any land within the reserve which had been selected as suitable for trading centres. Consent to the opening of certain centres had been obtained in July, 1914, and the Secretary of State also agreed that the money which might be derived from the auction and leasing of land and trade plots within the reserve should be placed to the credit of the Suspense Account and utilised for the benefit of the Masai themselves. Similar sanction was given in the case of the land alienated for the use of the Magadi Soda Company. Rents of plots.

A third means by which funds were added to this Suspense Account was by crediting thereto in specific instances the proceeds of fines collected under the Collective Punishments Ordinance. A record of such cases is given in Chapter VII. Collective fines.

From the opening of the Suspense Account until April, 1917, the manner in which the funds were utilised was left to the discretion of the Officer-in-Charge of the reserve, who obtained sanction from the Government before incurring the expenditure, and who acted with the advice of the Government's advisers on all technical matters. Money was found from these funds for the construction of a bridge over the Mara River, for a large part of the waterworks undertaken by Mr. Watts, for the repairing of the dams in the Lemek Valley, for the demarca- Utilisation of funds.

* 200 Muran were required by the K.A.R., of whom 178 were to be drawn from the Narok and Mara Districts and 72 from the Ngong District. The Sighirori division were to be called on to produce the 50 recruits required for the police.

† *Subsequent Note.*—The Purko Masai failed to produce any recruits and the rank and file of the Muran continued a policy of passive resistance, avoiding all intercourse with Government officers. Later, they perpetrated a number of raids in the occupied territory of German East Africa. No part of the compensation money was paid.

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tion of trading centres, for the construction of a road from Ngong to Kedong and for other similar undertakings.

Expenditure controlled.

In April, 1917, the Acting Governor took into consideration the propriety of arranging for this account to be administered in closer accordance with correct financial procedure, and he referred the matter to the Secretary of State in a despatch, dated September 17th, 1917. An examination of the account showed that the last contribution that had been made by the Masai had been in March, 1916. Such contributions had been given mainly for the purpose of improving the water supply in the reserve, and ceased on the completion of the dams. Mr. Bowring considered that any contributions which might be forthcoming in the future should be placed to the credit of the account. As regards the moneys

Rents.

accruing from the rent and auction of trade plots, he was inclined to think that these should be credited to general revenue, as was done in the case of other native districts, rather than to a suspense account. Though it was true that, in the case of the Masai, the land which they occupied had been formally handed over to them by agreement, rendering the consent of the tribal representatives necessary before alienation, still it might be argued that the land in other native districts was equally the heritage of the tribes, though no such solemn dedication had been made, and he was uncertain whether the difference in the conditions of land tenure in the Masai Reserve was sufficiently great to warrant such a distinction in dealing with the receipts derived from alienated areas. Under any circumstances, he thought that it would be preferable if revenue accruing from the above three sources were to be included in the annual estimates of the Protectorate, and if the estimated expenditure from the funds thus available were also to be shown.

Collective fines.

In regard to the application of the proceeds of fines to the suspense account, Mr. Bowring did not consider that the tribe so punished should benefit from the money collected unless in exceptional cases, and he thought that even then the sanction of the Secretary of State should be obtained in each instance. He could not regard the principle as a sound one for the reason that an officer might be tempted to recommend unnecessarily heavy imposts, if he were aware that the proceeds of any fines which might be imposed would be available for improvements in his district, and would thus benefit directly the individuals or sections punished. Moreover, the fact that this system was in force in the case of the Masai alone was liable to give rise to the feeling that that tribe had been granted preferential treatment. He therefore proposed that in future, the proceeds of fines should not be credited to the suspense account unless, in each instance, the approval of the Secretary of State had been first obtained.

Secretary of State's decision.

In his reply, dated the 10th of January, 1918, the Secretary of State ruled that the amounts then standing in the account should remain credited to it. He considered that sums derived from contributions from the Masai, and rent and auction of trade plots should be placed to the credit of the account, but that the proceeds of fines should be paid into general revenue. He did not think it necessary for the receipts and payments under the account to be included in the annual estimates of the Protectorate, but he asked that an annual statement of such transactions should be included in the Treasurer's financial report on each year.

Abstract.

An abstract of the receipts and payments under the Masai Suspense Account is to be found in Appendix 5. 7 A

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SECTION 8.—TAXATION.

Mr. Lane, 30th June, 1911—Mr. McClellan, 4th April, 1912—Mr. Ainsworth, 16th April, 1912—Mr. Tate, 9th May, 1912—Mr. Hollis, 19th July, 1912—Mr. Hemsted, 28th February, 1913—Mr. Ainsworth, 29th March, 1913—Mr. McClellan, 16th April, 1913—Mr. Hobley, 13th May, 1913—Sir Henry Belfield, 30th October, 1913—The Secretary of State, 3rd December, 1913—Sir Henry Belfield, 9th March, 1914—Sir Henry Belfield, 29th July, 1914—Mr. Ainsworth, 29th April, 1915—Mr. Bowring, 6th May, 1915—Chief Justice Hamilton, 9th May, 1915—Sir Henry Belfield, 18th May, 1915—The Secretary of State, 10th August, 1915—Mr. Hemsted, 3rd July, 1916—Reconsideration—The Postponement of the Introduction of the Tax.

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Hut tax at the rate of Rs. 3 per hut was first levied on the Masai, in common with other natives resident in Naivasha Province, in the year 1903-04, by Proclamation in the "Official Gazette" dated the 31st of August, 1903.

7 A [See p. 229 -- Analyst]

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During the year 1913-14, £3,200 was spent in making these dams in Lemek Valley and Bardamat, and during the 13 months beginning on the 1st of March, 1913, Mr. Watts spent eight months in construction work.

Further proposals by Messrs. Watts and Hemsted.

In January, 1914, Messrs. Watts and Hemsted submitted proposals for the continuation of work on the improvement of the water supply of the reserve. They recommended

(1) The completion of the Bardamat dam.

(2) The provision of steel drinking troughs at the Koiyaki spring a permanent spring, situated some 12 miles south of Mara Post (Engirende).

(3) The construction of one or more dams in the Trans-Mara country between the Mara and Mogor River.

(4) The construction of a dam in the Kedong Valley.

(5) The provision of pumps and drinking troughs at all dams and the erection of fences to protect the sources behind them.

(6) The investigation of a project for diverting the Siyabei River in its upper courses to supplement the flow of the Olodari and Penyin Rivers, and thereafter for watering the country west of Mount Suswa, known as Leleshwa; and

(7) The construction of a dam in the Lailela Plains in the upper Loita country.

The Loita Plains were described as one of the least valuable areas in the reserve, considered as a region for the permanent support of large numbers of live-stock; the grazing in the plains was frequently exhausted before the natural supplies of water failed. It was therefore thought that the completion of the first, second, and last of the projects recommended would suffice as development in that area.

[654] Liability of the Masai to provide funds.

In June, 1913, Sir Henry Belfield had explained to the Masai that, when the Government had afforded certain practical examples of the benefits which would accrue from the conservation and distribution of water, the tribe would be expected themselves to defray the cost of such additional works as they might require. He therefore considered that it was open to question whether all the proposed works should be undertaken at Government expense, and that it would be sufficient to proceed with them as far as the provision for 1914-15 became available. When these funds had been utilised, he advocated further consideration of what additional works should be taken in hand and of the method of meeting the cost.

The Ngori Gori Dams.

After touring the Trans-Mara area with Mr. Hemsted in March, Mr. Watts returned to Bardamat and continued the construction of the dam. Early in April he visited Ngori Gori, on the border of the Loita Plain and close to a branch of the Chepalungu Forest. En route he repaired one of Mr. Ratchpole's dams near Lone Hill. From the 5th to the 24th of April he worked at two dams at Ngori Gori, completing them for a cost of £347. One dam was 325 feet long and 9 feet high; the other was 400 feet long and 20 feet high.

On April 25th he reached the Penyin River and laid out work for a new dam at Ndulele. He estimated that the dams he had already constructed would protect 325 square miles of country and provide drinking water all the year round for 34,125 head of cattle or some 180,000 sheep. The works were much appreciated by the Masai in the neighbourhood, who had thrown out suggestions for further improvements required.

Work in the Kedong Valley.

On June 12th, 1914, Mr. Watts left the Penyin dam uncompleted and proceeded to the Kedong Valley to investigate the possibility of constructing a dam on the Kedong River for the use of the Masai.

The Kedong River is one of uncertain flow. In May, 1909 and March, 1911, the Greater Kedong was not even flowing as far as its junction with the lesser Kedong. In January, 1913, the combined streams disappeared a quarter of a mile below the house belonging to Marquis Hornyold and Captain Riddell, and

APPENDIX S.

## SCHEDULE OF THE MASAI SUSPENSE ACCOUNT.

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Amounts credited to the Masai Suspense Account from its commencement to March 31st, 1917 :—

| | |
|---|---|
| Contributions by the Masai .. .. .. | Rs. 18,178.00 |
| Rent of Plots .. .. .. .. .. | 34,292.96 |
| Sale of Trading Centre Corner Plots .. .. | 150.00 |
| Fines .. .. .. .. .. .. | 46,875.27 |
| TOTAL .. .. .. .. | Rs. 99,596.23 |

Expenditure charged against the Masai Suspense Account from its commencement to March 31st, 1917 :—

| | |
|---|---|
| Construction of Mara Bridge .. .. .. | Rs. 1,558.84 |
| Waterworks in the Extended Southern Reserve | 13,609.62 |
| Herding Kakonyukye Fine Cattle .. .. | 355.41 |
| Bridge at Van de Weyer's Drift .. .. | 134.00 |
| Repairing Lemek Dams .. .. .. .. | 1,070.96 |
| Dipping Fluid for Ngong Cattle Dip .. .. | 316.40 |
| Food for the Pure-bred Bull .. .. .. | 171.18 |
| Construction of Ngong-Kedong Road .. .. | 663.35 |
| Cost of Water Supplied by Magadi Soda Company | 598.50 |
| Upkeep of Kijabe-Mara Road .. .. .. | 432.66 |
| Refund of Plot Rents .. .. .. .. | 60.00 |
| Demarcation of Trading Centres .. .. | 3,165.55 |
| | Rs. 22,156.47 |
| Balance brought forward on March 31st, 1917 | Rs. 77,439.76 |

Schedule of the Masai Suspense Account for the Financial Year, 1917-18 :—

| | | |
|---|---|---|
| Balance brought forward, April 1st, 1917 .. | | Rs. 77,439.76 |
| Kakonyukye Fine .. .. .. .. | | 2,180.00 |
| Dipping Fees .. .. .. .. .. | | 34.38 |
| Plot Rents, etc. .. .. .. .. .. | | 27,847.50 |
| Enkobirri Water Pump .. .. | Rs. 1,249.36 | |
| Cost of Herding Kakonyukye Fine Cattle .. .. .. .. | 20.00 | |
| Repairs to Dams .. .. .. | 997.36 | |
| Demarcation of Trade Centres .. | 600.95 | |
| Cost of Dipping Fluid at Ngong .. | 907.56 | |
| Food for Pure-bred Bull .. | 107.91 | |
| Ngong-Kedong Road .. .. | 1,225.01 | |
| Repairs to Roads and Bridges .. | 7,283.41 | |
| Weikei Drainage Scheme .. | 1,174.45 | |
| *Ovelit* Mara Bridge .. .. .. .. | | 222.02 |
| | 14,168.01 | |
| Balance on March 31st, 1918 .. | 93,664.87 | |
| TOTAL .. .. .. | Rs.107,832.88 | Rs. 107,832.88 |

7: Mailey G-4 (No date) 1950 FL12 Masai FL12



consultation with Headmen and other representatives of the different Sections. The Kajiado Council has no Headman among its members; six members have some education, and it contains a schoolmaster, an ex-Government clerk, a trader and two well-to-do stockholders. The Narok Council has one Headman among its members, but a smaller proportion of educated men than Kajiado. Though it is said that these two Councils are fairly representative of the majority of the community, the persons who now command influence and authority are to be found rather among the Headmen and subheadmen than in the two Councils.

The two Local Native Councils are, as elsewhere in Kenya, consultative and legislative bodies. As provided in Section 15 of the Native Lands Trust Ordinance 28 of 1938, they are consulted before any action is taken to set apart plots of land for shop sites or similar purposes. They have in addition the function of dealing with the funds available in their two Native Treasuries for expenditure on local services. In this latter capacity, the funds available are shown in the figures on page 178 taken from the estimates of 1949

The deficit of £8,195 was to be met by drawing on accumulated balances. The principal source of Revenue is the Local Rate of 4s. in Kajiado and 5s. in Narok, the latter having been raised in 1948 to 5s. from the previous rate of 4s. per taxpayer. This rate is paid in addition to the Government Poll Tax of 15s. a head, which is somewhat higher than in most of the Provinces of Kenya. The revenue from Landed Property consisted mainly of rents of shop sites in the Reserve.

The expenditure under the head Administration was made up of a number of miscellaneous items, the stipends of Headmen and subheadmen being, as elsewhere, defrayed by the Government and not from the Native Treasuries. There is one Local Native Council school in Narok and one in Kajiado District, the teachers of which are paid from Native Treasury funds, but there are in addition a number of "outschools," which are all boarding schools situated alongside cattle "bomas," where the children live with their relatives and family cattle, and feed themselves. These schools are of a very elementary class. The Masai have up till recently been opposed to the extension of education and have in particular resisted the education of girls, though the latest reports suggest that this resistance is weakening.

There is in each Council a Finance Committee, but it is said that the members cannot understand the estimates and make no contribution to their discussion. In general, the Councils have taken little interest in matters which do not relate directly to their livestock, and the younger men are said to hesitate to express their views in the presence of their elders. In their legislative capacity the Councils have passed, at the instance of the District Commissioners, Resolutions which follow the "model" Resolution regarding soil conservation, the cultivation of land on river banks and the burning of bush, to which reference will be found in the parts of this Chapter dealing with other Provinces.

The two Local Native Councils have joint meetings twice a year at Ngong to consider matters affecting Masai as a whole, and reference will be made subsequently to proposals for giving this conference a more regular position.

REVENUE

| Local Native Council | Revenue from Local Rate £ | Income from Tribunals £ | Revenue from Property £ | Government Grants £ | Other Income £ | Total £ |
|---|---|---|---|---|---|---|
| Narok .. .. | 1,845 | 750 | 2,150 | 750 | 955 | 6,450 |
| Kajiado .. .. | 1,885 | 740 | 4,050 | 850 | 794 | 8,119 |
| Total .. .. | 3,730 | 1,490 | 6,400 | 1,580 | 1,749 | 14,569 |

EXPENDITURE

| Local Native Council | Administration £ | Law & Order £ | Public Health £ | Education £ | Agriculture Veterinary & Forestry Services £ | Roads & Bridges £ | Other Expenditure £ | Extraordinary Expenditure £ | Total £ |
|---|---|---|---|---|---|---|---|---|---|
| Narok .. | 979 | 750 | 974 | 1,010 | 911 | 1,550 | 2,880 | — | 7,809 |
| Kajiado .. | 1,896 | 901 | 1,019 | 1,844 | 1,733 | 2,555 | 6,965 | — | 15,113 |
| Total .. | 2,875 | 650 | 1,993 | 2,858 | 1,657 | 3,705 | 9,845 | — | 22,724 |

7: Hailey G-4 (No date) 1950 FL12 Masai FL12



grades, which has resulted in marking off the whole of the younger men, roughly up to the age of twenty-seven or thirty, as a warrior class (moran) who are not only free from most obligations to work, but are independent in many other respects of tribal discipline. Though therefore authority has rested nominally with the Elders (laigwanak) who have passed the stage of moran, and with the Councils of Elders who formed a regular feature of the Masai tribal usage, these Councils have not in the past nor are they to-day able to enforce decisions which may affect the younger men. It is true that the Elders have recently made decisions, accepted by the moran themselves, which will limit the period of moran-hood and may provide the moran with work on betterment schemes, but it still remains to be seen how far these will be effective in providing a solution for a problem of which the economic is no less serious than the social aspect.

Attempts were at one time made in Tanganyika, as also in Kenya, to utilize the Laibon, the spiritual head of the Tanganyika Masai, as Native Authority. But the Masai themselves objected to his occupying this position, and as the result of a Sociological Survey made by H. A. Fosbrooke in 1938, the system was altered. The gazetted Native Authority then became the Masai Council, which in practice consisted of Headmen and Elders, and apparently also of any tribesmen outside the moran age grade who cared to attend. But this Council was in effect only a consultative body, without any practical authority, and since the Headmen were not gazetted as Native Authorities, they had no legal power to issue Orders under Section 8 of the Native Authority Ordinance.

A further reorganization has now been carried out. Each area now has its own Local Council, with locally elected representatives of age grades and clans, and these Councils have been gazetted as Subordinate Native Authorities. Representatives from each Local Council, differing in numbers in accordance with the size and population of the area involved, compose the Masai Council, which is the Superior Native Authority for the whole Masai District, excluding Sonjo. The Council is now limited to these representatives: there is, however, provision for the addition of moran or nominated members if and when advisable. The Local Councils have begun to exercise their Order making powers under Section 8 of the Native Authority Ordinance. There are 41 paid Headmen, chosen by members of their own age grade.

There is a Masai Native Treasury, which however is managed entirely by the District Commissioner. The small Sonjo tribe has a Council of Sonjo Headmen, which is gazetted as a Native Authority, and has a separate Treasury.

## THE WORKING OF THE NATIVE AUTHORITY SYSTEM

The variety of conditions is so great that it is difficult to generalize on the operation of the system of native administration in the Province as a whole. There are, however, certain points of special significance. The recent reorganization in the Chagga Native Authority area has placed in a superior position three Chiefs who already had a high status in view of the number of taxpayers in their jurisdiction, but its future success will depend on the extent to which these Chiefs can secure the co-operation of the more progressive elements who have now been brought within the framework of the system, as members of the new Divisional Councils. This is especially necessary, in view of the character of Chagga society, for though the Chagga are probably the